

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

PHILLIP DAVID OLMSTEAD,)	
)	
)	
Plaintiff,)	CASE NO.
)	2:16-cv-00046
v.)	
)	JUDGE WAVERLY D. CRENSHAW, JR.
FENTRESS COUNTY, TN, et al.,)	
)	MAGISTRATE JUDGE NEWBURN
Defendants.)	

MOTION TO ASCERTAIN STATUS OF PENDING
MOTION FOR HIPAA PROTECTIVE ORDER

Comes now Defendant Southern Health Partners, Inc., and pursuant to Local Rule 7.01(c), and inquires of the Court as to the status of Defendant's Motion for HIPAA Protective Order, and in support thereof, shows as follows:

1. On May 30, 2018, Defendants filed a Motion for HIPAA Protective Order. In its motion, Defendant requested that the Court enter a Qualified Protective Order which complies with HIPAA Privacy Rules, 45 C.F.R. § 164.512(3), allowing counsel for the parties to obtain the records of Plaintiff's health care providers who provided medical treatment to Plaintiff after the incident made the basis of this lawsuit, and to confer *ex parte* with same (Doc. 191).

2. On June 26, 2018, Magistrate Judge Alistair Newbern held a telephone scheduling conference with counsel for the parties, and subsequently entered a Scheduling Order, establishing discovery and disclosure deadlines for the remainder of this litigation (Doc. 195).

3. According to the Court's Scheduling Order, Plaintiff must disclose any expert witnesses and reports by September 14, 2018, and Defendants must disclose any expert witnesses and reports by October 5, 2018. Expert depositions must be concluded by October 26, 2018.

4. There has been no ruling on Defendants' Motion for HIPAA Protective Order.

5. As stated in Defendant's motion, Plaintiff was provided medical treatment by Dr. R. Keith Shuler, M.D., a retinal specialist. The treatment provided to Plaintiff by Dr. Shuler is central to the issues in this lawsuit. Defendant needs to obtain the records of Dr. Shuler, and to communicate with Dr. Shuler in order to properly defend itself from the allegations made against it by Plaintiff.

6. The information sought from Dr. Schuler is also critical to Defendant's ability to make informed decisions about potential expert testimony in this case, to consult with the appropriate experts, and to obtain the opinions and testimony of such experts. Because the deadlines for disclosing these matters are quickly approaching, Defendant respectfully requests to ascertain the status of its Motion for HIPAA Protective Order, and also requests expedited disposition thereof.

Respectfully submitted,

/s/ Daniel F. Beasley
Daniel F. Beasley
Karen A. Lynn (*pro hac vice*)
Counsel for Anthony Martin and
Southern Health Partners, Inc

LANIER FORD SHAVER & PAYNE P.C.

Post Office Box 2087

Huntsville, AL 35804

Phone: 256.535.1100

dbeasley@lanierford.com

kal@lanierford.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 25th day of July, 2018, a true and correct copy of the foregoing was sent via electronic filing to:

George T. Underwood, Jr.
Underwood Law Office, P.C.
9401 Executive Park Drive, Suite 216
Knoxville, TN 37923
Phone: 865-247-5547
Fax: 865-247-5047
george@underwoodjustice.com
underwoodg@frontiernet.net
Counsel for Plaintiff

Shira Adler Crittendon
1100 Peachtree Street, NE Suite 800
Atlanta, GA 30309
2030 Hamilton Place Boulevard; Suite 140
Chattanooga, TN 37421
Tel: 423-803-4616
shira.crittendon@southernhealthpartners.com
Counsel for Southern Health Partners, Inc.

Robyn Beale Williams, BPR #19736
Farrar & Bates, LLP
211 Seventh Avenue North, Suite 500
Nashville, Tennessee 37219
(615) 254-3060
(615) 254-9835 Fax
robyn.williams@farrar-bates.com
*Counsel for Fentress County, Chucky Cravens,
Candy Norman Price, Gary Stockton, Chris Martin,
and Josh Densmore*

John F. Floyd, Esq.
Floyd Law Group, PLC
4235 Hillsboro Pike
Suite 300
Todd & Floyd, PLC
3817 Bedford Avenue, Suite 220
Nashville, TN 37215
Phone: 615-369-3300
johnfloyd@flgplc.com
Counsel for Corizon

s/Daniel F. Beasley
Daniel F. Beasley